

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

THERMAL ENGINEERING)
INTERNATIONAL (USA) INC.,)
)
 Plaintiff,)
)
 vs.)
)
 HYPRO, INC.,)
)
 Defendant.)

Case No. 3:21-cv-05063-MDH

ORDER

Defendant's summary judgment motion remains pending in the above case, wherein Plaintiff Thermal Engineering International (USA) Inc. ("Plaintiff") alleges tortious interference and unjust enrichment against Defendant Hypro, Inc., stemming from alleged breach of a non-solicitation agreement. During pendency of the above case, Plaintiff also pursued in Massachusetts federal court related charges against Daryl Lanaville, subject of the non-solicitation agreement at issue in this matter. Collectively between the two cases, Plaintiff generally alleges Lanaville, a former employee, worked with his new employer, Defendant Hypro, Inc., to hire two of Lanaville's former co-workers, violating a non-solicitation agreement. On February 10, 2023, a Massachusetts jury returned a verdict finding Defendant Lanaville breached the non-solicitation agreement, but also finding Plaintiff suffered no resulting damages. Given damages constitute a necessary element of tortious interference under Missouri law, it is conceivable the Massachusetts verdict poses questions of law bearing on the above matter, specifically related to collateral estoppel. Accordingly, this Court **ORDERS** Plaintiff Thermal Engineering and Defendant Hypro, Inc. to brief the issue of what impact if any the jury verdict in cause number 1:21-cv-10937-NMG

poses for this present matter no later than February 24, 2023. This Court **FURTHER ORDERS** the parties to respond to the opposing party's argument no later than March 3, 2023. This Court **FURTHER ORDERS** the parties to include in their briefing a suggested procedural pathway forward for the present matter, given the jury verdict in the Massachusetts case.

IT IS SO ORDERED.

Dated: February 14, 2023

/s/ Douglas Harpool
DOUGLAS HARPOOL
United States District Judge